

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CURTIS J. SIMMONS,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-06-1164-F
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant.)	

ORDER

United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation on June 29, 2007, recommending that the final decision of defendant, Michael J. Astrue, Commissioner of Social Security Administration (“Commissioner”), denying plaintiff, Curtis J. Simmons’ applications for disability insurance and supplemental security income benefits, be affirmed.

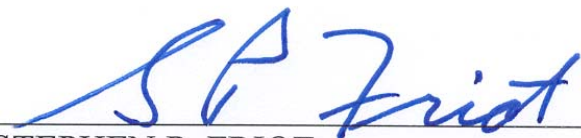
Presently before the court is the timely objection of plaintiff to the Report and Recommendation. Plaintiff asserts that the administrative law judge (“ALJ”) erred at step five of the sequential evaluation process set forth in 20 C.F.R. §§ 404.1520 and 416.920 in applying the grids¹ to find him not disabled and that Magistrate Judge Argo, in recommending that the Commissioner’s decision be affirmed, did not properly review the ALJ’s decision. The court has conducted a *de novo* review of the matter in accordance with 28 U.S.C. § 636(b)(1). Having done so, the court concurs

¹Rule 201.28 of the medical-vocational guidelines.

with the analysis and recommendation of Magistrate Judge Argo. The court concludes that plaintiff's objection is without merit. The court therefore accepts, adopts, and affirms the Report and Recommendation.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo on June 29, 2007 (doc. no. 16), is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. The final decision of defendant, Michael J. Astrue, Commissioner of Social Security Administration, denying plaintiff, Curtis J. Simmons' applications for disability insurance and supplemental security income benefits, is **AFFIRMED**. Judgment shall issue forthwith.

DATED August 7, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE